

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 506 - HB 560

March 9, 2019

SUMMARY OF BILL: Restores the consideration for expunction of certain misdemeanor offenses committed on or after November 1, 1989.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – Exceeds \$160,000/TBI
Exceeds \$416,000/District Attorney Expunction Fund

Increase Local Revenue – Exceeds \$320,000

Assumptions:

- Under current law, Tenn. Code Ann. § 40-32-101(g)(1)(B) lists the misdemeanor convictions resulting from offenses committed on or after November 1, 1989 excluded from consideration for expunction.
- The proposed legislation removes the following offenses from exclusion, thereby making such convictions eligible for petition for expunction five years after the conviction of such offense:
 - Assault
 - Aggravated assault of a public employee
 - Reckless burning
 - Aggravated criminal trespass of a habitation, hospital, or on the campus of any public or private school, or on railroad property
 - Enticing a child to purchase intoxicating liquor or purchasing alcoholic beverages for a child
 - Allowing person ages 18-21 to consume alcohol on a person's premises
 - Harboring or hiding a runaway child
 - Unlawful dispensing of immediate methamphetamine (meth) precursor, sale of meth precursor to person on the meth registry or purchase by someone on the meth registry, possession of meth precursor with intent to sell to another for unlawful use, the purchase of meth precursor for another for unlawful use, the purchase of meth precursor at different times and places to circumvent limits, and using a false ID to purchase meth precursor for purpose of circumventing limits

SB 506 - HB 560

- Using substance or device to falsify drug test results and selling synthetic urine
- Possession of the hallucinogenic plant Salvia Divinorum or the synthetic cannabinoids.
- Violent felon owning or possessing vicious dog
- Assault (offensive or provocative physical contact)
- Disseminating smoking paraphernalia to a minor after three prior violations
- Misuse of official information by public servant
- Disorderly conduct at funerals and
- Possession of or consuming alcoholic beverages on premises of a K-12 school.
- Pursuant to Tenn. Code Ann. § 40-32-101(g)(9), petitioners pay the court clerk \$180 to file a petition; \$50 of each fee is remitted to the TBI and \$130 of the fee is remitted to the District Attorneys Expunction Fund.
- Based on information provided by the Tennessee Bureau of Investigation (TBI), the average number of felony and misdemeanor expunctions processed by TBI per year is 64,000.
- This analysis assumes 50 percent or 32,000 (64,000 x 50%) expunctions are for felony convictions, and 50 percent or 32,000 expunctions are for misdemeanor convictions.
- This analysis assumes the proposed legislation will result in at least a 10 percent increase, or at least 3,200 (32,000 x 10%) additional misdemeanor expunctions.
- The proposed legislation will result in a recurring increase in state revenue to the TBI estimated to exceed \$160,000 (3,200 felony expunctions x \$50).
- The proposed legislation will result in a recurring increase in state revenue to the District Attorneys Expunction Fund estimated to exceed \$416,000 (3,200 felony expunctions x \$130).
- Pursuant to Tenn. Code Ann. § 8-21-401(d)(2), court clerks are required to charge a \$100 fee for procedures related to misdemeanor expungements.
- The proposed legislation will result in a recurring increase in local revenue estimated to exceed \$320,000 (3,200 misdemeanor expunctions x \$100).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/amj